

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA**

JONATHAN R., <i>et al.</i> ,	)	
	)	
<i>Plaintiffs</i> ,	)	
v.	)	
	)	
JIM JUSTICE, in his official capacity as	)	<b>Case No. 3:19-cv-00710</b>
Governor of West Virginia, <i>et al.</i> ,	)	
	)	
<i>Defendants.</i>	)	

**MEMORANDUM IN SUPPORT OF DEFENDANTS’ MOTION FOR LEAVE TO FILE  
UNDER SEAL**

Pursuant to Local Rules 5.2.1 and 26.4(b), and the Protective Order entered in this case, Doc. 78, Defendants move for leave to file under seal the unredacted version of the contemporaneously filed Opposition to Plaintiffs’ Motion for Class Certification, and Exhibits 4-12, which are excerpts from the named Plaintiffs’ case files, and are attached to Defendant’s Opposition.

The unredacted memorandum and Exhibits 4-12 include personal identifying and confidential information and records relating to juvenile cases protected under W. Va. Code § 49-5-101(a) (“Except as otherwise provided in this chapter or by order of the court, all records and information concerning a child or juvenile which are maintained by . . . the Department of Health and Human Resources,” among others, “are confidential and shall not be released or disclosed to anyone . . .”). This information is also subject to the provisions of the Protective Order entered by Magistrate Judge Eifert on April 3, 2020. Doc. 78. To protect the privacy and confidentiality of the children and their families, the Department of Health and Human Resources (“DHHR”) wishes to implement the safeguard of filing such protected information under seal.

Sealing these documents is necessary because redaction is impractical. The children's identities are directly relevant to establishing and supporting Defendants' grounds for opposing Plaintiffs' motion to certify a class. Redacting this information in the case file excerpts would obscure relevant information from the Court's view. While the Court will need to be able to review these records containing information related to juvenile cases, the Defendants seek to continue to protect the confidentiality of this information to the maximum extent possible, and to comply with their obligations under State law. For these reasons, sealing these documents is necessary.

Defendants request that these documents remain under seal for the duration of the above captioned litigation.

Respectfully submitted,

November 16, 2020

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**CERTIFICATE OF SERVICE**

I, Philip J. Peisch, hereby certify that I caused a true and correct copy of Defendants' Memorandum in Support of Defendants' Motion for Leave to File Under Seal to be delivered to the following via ECF notification:

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